

Remarks:

Claims 1, 3-13, 15 and 17 are allowed. Claim 16 was objected to only because it depended from a rejected claim (claim 14). Claims 2 and 14 were rejected.

The Examiner is thanked for his careful consideration of the claims which is reflected in his claim objections set forth on page 2 of the Official Action. The claims have been editorially revised to avoid the informalities identified by the Examiner.


Claims 2 and 14 were rejected under 35 USC 102(b) as being anticipated by Tomik USP 3,714,990. Tomik discloses a drilling auger surrounded by a cover which is essentially a screw conveyor to convey the dirt from the drilling tip inward along the shaft and discharge the dirt from the housing rear opening 30 (see column 3, lines 1-17). The cover functions to keep the dirt within the screw conveyor until the dirt exits the rear opening.

Claims 2 and 14 have been amended to avoid any unintentional overlap between the claimed subject matter and the Tomik disclosure. The purpose of applicant's sleeve is to prevent accumulation of debris (dirt, mud, etc.), along the shaft by preventing entry of said debris under applicant's sleeve. This points out the different mechanism, structure and operation of applicant's claimed apparatus and method from the different apparatus and method of Tomik. Thus, the function of applicant's cover (or sleeve) is the opposite of that of the Tomik cover.

The amendments to claims 2 and 14 are supported by each of applicant's Figs. 10-14.

It is respectfully submitted that applicant's claims 2 and 14 are directed to subject matter which is not anticipated or rendered obvious by the prior art. Allowance is solicited.

Respectfully submitted,



HERBERT GOODMAN
Reg. No. 17,081

Frishauf, Holtz, Goodman
& Chick, P.C.
220 Fifth Ave., 16th floor
New York, NY 10001-7708
Telephone: (212) 319-4900
Facsimile: (212) 319-5101

HG/lpv
Encs: Petition for Extension of Time